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The Gift of
Rev. Andrew P. Peabody
of Cambridge
(H. U. 1826)
4 Sept. 1875.

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T. Farrar.

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MEMOIR

OF

TIMOTHY FARRAR, LL.D.

By The Rev. SAMUEL LEE, A.M.

WITH A SKETCH

OF

MRS. SARAH FARRAR,

BY

The Rev. A. P. Peabody, D.D., LL.D.

BOSTON:
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DAVID CLAPP & SON, PRINTERS.
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TIMOTHY FARRAR.

A LIFE of eighty-six years in New-England, during any century since its settlement began, would have covered a period full of interest and crowded with events of no little importance, whether considered in their immediate relations or as a part of the general history of the country. It may fairly be claimed, however, and probably will be admitted, that the period of our history which is bounded on the one hand by the American Revolution and on the other by the centennial year of American Independence, is not the least important in our annals. This, which we may denominate the constructive era in the life of the nation, has been rich in

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men of public and private virtue, intelligence and learning, in warriors and statesmen, in orators and poets, in jurists and theologians, in merchants and inventors. The leading men of the revolutionary epoch were cast in no common mould, and they stamped the impress of their character upon the institutions which they framed, and upon the generations that followed. To have been born, reared and educated among such men as laid the foundations of our political fabric and devised our civil polity; to have helped, in no inconsiderable degree, in completing these institutions and in adapting them to the growing and varying needs of an expanding population and a progressive civilization; to have helped in building up and conserving the institutions of learning and sound morals; to have had a share in the interpretation and administration of our written and unwritten law; to have added something, not a little, to the accepted body of our jurisprudential wisdom; to have contributed something permanent and valuable to the elucidation of the great charter of delegated powers under which our federal union was secured;—all this would justly entitle a man to the honorable regards of his contemporaries and of posterity. In addition, to have associated from

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early youth with men of mark and wisdom and power,—their disciple, companion and friend; to have been endowed with a mind, penetrative, inquisitive and exact, with a rare capacity for receiving and retaining impressions of men and events, and for searching out the hidden springs of human action; to have kept the power of thought, analysis and expression, vigorous to the last,—always and to the end of life a student; to have been moderate in prosperity and cheerful in adversity; to have been the cherished companion of the young as well as the old; ever hopeful, never despairing of one's country and one's fellow-men;—such a life and character, such labors and virtues, if fully portrayed, could not fail to be both interesting and instructive. This character, these labors and virtues, belonged to the subject of this brief memoir.

The life of Judge Farrar illustrates the power of example. He was the son of Hon. Timothy and Anna (Bancroft) Farrar. His father was graduated at Harvard College in 1767, and lived in New-Ipswich, N. H., to the advanced age of one hundred and two. His character embodied a rare combination of excellencies,

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developed by circumstances peculiar to his time. He was just coming into vigorous manhood, at the opening of the revolutionary epoch of our history.[1] On the memorable 19th of April, 1775, he seized his musket and marched, with a band of his townsmen, for Concord. He was prominent in those efforts by which the authority of the British Government was set aside and a new and independent government organized. At the early age of twenty-eight he was made a judge of the court of common pleas. In 1791 he was promoted to the supreme bench as associate justice, and in 1802 he was appointed chief-justice, but declined. Early in life the eloquence of Whitefield won his heart and started him upon a course of Christian activity.

Timothy Farrar, junior, was born to breathe the atmosphere of such a family, and an heir to its blessings. The power of the exemplification of the principles of an intelligent, Christian, patriotic manhood was never remitted, nor weakened by the admixture of inferior elements. As an only son he was the object of a very intense

[1] See HISTORICAL AND GENEALOGICAL REGISTER, vi. 318–28, for a memoir of the Farrar Family, and notice, with portrait of Judge Farrar, senior; also History of New-Ipswich, 356–73.

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interest, which he reciprocated,—yielding thus the plastic mind of childhood and youth to the impression of parental character. He was born in New-Ipswich, New-Hampshire, March 17, 1778. At the early age of twelve years, he was sent from home to become a member of Phillips Academy in Andover, Mass. His preparatory course was completed in Groton, Mass. He entered Dartmouth College in 1803, and was graduated in 1807. He studied his profession with Daniel Webster in Portsmouth, N. H., and was admitted in the year 1810 to the Rockingham bar in Exeter. He commenced the practice of law in his native town ; but in 1813 accepted an invitation from Mr. Webster to become his law partner in Portsmouth,—a relation he sustained till Mr. Webster removed to Boston in 1816. He then alone continued the practice of the law in Portsmouth till 1822; afterward in Hanover, where he was also secretary, treasurer, and librarian of Dartmouth College till 1826. In 1824 he was appointed judge of the court of common pleas in New-Hampshire, and continued in this office till a change in the politics of the state was followed by the dissolution of the court in 1833. He then returned to the practice of the law in Portsmouth, where his ripened

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character and eminent abilities as a lawyer gave to him a large practice in his profession and won for him the confidence and respect of the community. In 1836 he accepted the office of cashier of a bank in Exeter, where he remained till the expiration of the charter in 1844. He then removed to Boston, and united the practice of his profession with business relations, being engaged in public and private trusts in various forms, till disqualified by the infirmities of age.

In 1817 he married Sarah Adams, daughter of William Adams, of Portsmouth, who survived him eight months, and died in Boston at the residence of his son-in-law, Edward Crane, Esq., June 30, 1875, aged eighty-six years. They leave two daughters.

In 1854 he was a representative from the city of Boston in the general court of Massachusetts. From 1853 to 1858 he was a vice-president and a director of the New-England Historic, Genealogical Society, and a member of the Publishing Committee from 1851 to 1854 and from 1857 to 1858. He also edited one number of the Historical and Genealogical Register, namely that for July, 1852.

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In 1867 he received from his Alma Mater the honorary degree of Doctor of Laws.

In estimating the character of Judge Farrar, we must make prominent the social elements. His life was love; his sympathies were profound. He entered thoroughly into the experience of others, whether joyous or sad. Hence the strength of his attachment to those whose character he could approve. His heart would blend in its entirety with the heart of such approved friend, and they were one in the deepest experiences of their souls. There are a favored few,—men whose locks are white and whose tottering steps are close upon the line that separates them and their friend, who can attest the truth of this remark. Still he was not demonstrative, the opposite rather in the extreme. There were no lavish professions of friendship; it was only as you were near him and long enough to fathom the deep, calm current of the soul, that you could know the treasure you had in his love. It was so even in his family, where only by indirection and on occasions of great affliction and sorrow did they learn how they were wrapped up in the tenderest sensibilities of his heart.

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The strength of his friendship and the depth of his symphathies may be illustrated by the facts connected with the instant death of Ezekiel Webster while pleading a case in court. Judge Farrar was on the bench, and Mr. Webster in an earnest address to the court was looking him directly in the eye, when instantly he fell dead upon the floor. There were imperative duties of the moment, and they were discharged. His long and intimate connection with the deceased and his brother, as well as his own position, caused to devolve upon him in this case very much that was peculiarly distressing to his delicate, sensitive nature; and when these responsibilities were off, and time was given for reaction, several months of sickness ensued,—the mere bleedings of the heart.

But while thus sympathetic, and so ready to "weep with those that weep," he was not melancholy; and we should not present the range and comprehensiveness of his philosophy, physiological, ethical and religious, did we not allude to an element of his character quite in the other extreme. He believed it to be a condition of our greatest intellectual health and efficiency and therefore a law of God, that mental toil should be succeeded by

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thorough relaxation and amusement, and that among the recuperatives for the weary brain, was the play of wit and appeals to the risibles. A distinguished scholar and professor, who had for many years been under the medicinal influence of this power of the judge, assured the writer that he had never experienced from another such resistless provocatives to laughter.

As a scholar, Judge Farrar was learned rather than brilliant. To him the essential quality of exact truth had a value and a beauty, such that ornament seemed meretritous in comparison. He employed no factitious methods to win applause; a profound self-respect forbade it. He had his own reward of that, for which, had he taken the means which some others employ to secure it, would have received the praise of men.

There was also a radical principle in his moral character, out of which were "the issues of life," that was operative in the same direction. He lived to do good, to impart rather than to receive. In the prosecution of this purpose of usefulness, his studies were directed to the attainment of exact knowledge, of conceptions with

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distinct and perfectly defined outlines. Hence a remarkable feature in his logic; it had the exactness of mathematical demonstration. Hence, too, the positiveness of his opinions, and the fact that he was ready to express them,—not with arrogance, but with assurance, and to act upon them as representing the reality of things. Hence his value as an advisory friend. We have asked of different men, and some of them aged clergymen,—for he was peculiarly the friend and made himself the profitable companion of ministers,—their opinion of the Judge. The most prominent of all the facts in their replies has been "He was preëminently a safe adviser." It was this feature in his intellectual and moral character that secured for him his professional reputation as a lawyer and a judge.

The ethics of the lawyer are sometimes a mystery to outside laymen. But while they might criticize him, they might find it difficult to construct a system of ethical principles, under which they themselves could practise at the bar. Of these principles, as exemplified by the subject of this notice, we are not informed in detail; but are sure that what he did, he did as right. His private

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professional advice to his clients we can easily understand.

It was for the bench that the qualifications of Judge Farrar preëminently fitted him. His exact knowledge on all subjects, and especially in the department of jurisprudence, combined with his unimpassioned candor, rendered him the man to whom might safely be confided the great power of that responsible office. The scales of justice were held in untrembling steadiness.

During his entire professional life, and to the last, the pen of Judge Farrar was consecrated to the public welfare. Articles for the daily and weekly papers were habitual. Our most valuable quarterlies have been enriched by his contributions. Among the many articles of this kind may be mentioned, "Review of the Dred Scott Case," in 1857, and the "Trial of the Constitution," in 1863, in the *North American Review;* articles on the "Adequacy of the Constitution," "State Rights," and "Power of Congress over the Territories," in the *New-Englander*, in 1862,—most of which were also published separately.

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In 1819 he published the "Dartmouth College Case,"[1] "a volume now rare, but among the most valuable monuments of the judicial history of the country." It contains the only report of the great argument of Jeremiah Mason, which is of intrinsic worth as vindicating great principles, that are sacred to the friends of education, civil liberty and religious freedom. The case,[2] in

[1] Report of the Case of the Trustees of Dartmouth College against William H. Woodward. Argued and determined in the Superior Court of Judicature of the State of New Hampshire, November, 1817. And on Error in the Supreme Court of the United States, February, 1819. By Timothy Farrar, Counsellor at Law. Portsmouth, N. H.: Published by John W. Foster, and West, Richardson & Lord, Boston. [1819. 8vo. pp. 406.]

[2] The following letters of Mr. Webster to Judge Farrar, which have reference to the decision in the "Dartmouth College Case," have never been published, and may not be uninteresting as a part of its history.—[EDITOR OF REGISTER.]

Feb. 2 [1819].

DEAR SIR,

A judgt. has been pronounced in our favor this morning; five Judges out of the six judges present concurring. I believe Judge Duval[l] is the dissentient. The opinion was pronounced by the Chief Justice. It was very long, and reasoned out from step to step. It did not cite cases. I understand an opinion has also been drawn by Judge Story, which will probably be given to the reporter.

Yrs, in Court,

D. WEBSTER.

Washington, February 7, 1819.

MY DEAR SIR,

I have thought I would say a word to you, about preventing the Newspapers from triumphing too much, on the results of this cause. It is our true wisdom to enjoy our victory with moderation. It is great indeed, and needs no flourish of trumpets to usher in the annunciation of it. On all accts. a moderate and dignified course becomes us. We have many friends, who feel this victory as their own, and who would be grieved and mortified to see it abused. I have written

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the form of a special verdict, upon which the appeal to the Supreme Court of the United States was based, was drawn by Judge Farrar, as counsel.

It was, however, to a later period in the life of Judge Farrar, that was reserved his crowning work. His old age was one of rare interest, of beauty, of sublimity. The normal imperfections of the animal organism, the effect of age, were not attended with impaired intellectual vigor. The great work of his life, and which has made him an honor to his country and his age, the "Manual of the Constitution," was written after three score years

to-day to Mr. Brown [President of Dart. Coll.], and write you, if you agree with me, to impress on others a sense of moderation, liberality and magnanimity.

Nothing new has occurred here since I wrote you. Mr. Pinckney *talks* about arguing one of the other causes, but I do not think he will attempt it. I shall endeavor to get the judgt. entered as of last term in the case of Mr. Woodward. In the other cases I hope to get a certificate that shall enable Judge Story to know what to do with them in May.

The Court is pressing along with the business. Judge Bell's cause will come on on Wednesday. To-morrow is the question of the constitutionality of the Bankrupt Laws of the States. I think it likely the Court will sit till March 10th. The Circuit Court bill seems not likely to pass. An attempt will be made for the Bankrupt bill, I fear unsuccessfully. In my opinion this is a *poor* Congress for business.

A horrible duel was fought yesterday [Feb. 6] near here, between Genl. [Armistead Thomson] Mason [of Va.], and Mr. [John M.] McCarty—the quarrel arose at an election two years ago. The parties fought with muskets, loaded with *three* bullets, as is said, at a distance of ten feet [paces]—Mason fell—his adversary escaped with a small hurt. Taken in all its circumstances it was the bloodiest affair I have heard of.

If Mr. [Jeremiah] Mason has returned from Dover Court, please show him this.

Yrs, D. Webster.

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and ten had passed away. His well-trained judicial eye had seen with regret the distortions of the constitution of the United States by partisan politicians and jurists, in their efforts, as he thought, to force that sublime instrument into the support of slavery and state sovereignty. The agitation of the slavery question quickened his spirit into earnest activity. In the calm energy of his well-instructed mind, he attempted the herculean task of turning back that tidal wave of political and judicial perversion, that was bearing forward on its swollen crest and preparing to spread over the length and breadth of the land that greatest curse of our race, chattel slavery. For this end he wrote his "Manual of the Constitution." This work, so far as relates to the questions of American slavery and state sovereignty, was the enlargement of his previous papers on these subjects, and the general promulgation of his views had an important effect upon public sentiment and upon Congress.

It is not to be expected that Judge Farrar's interpretation of the Constitution will command the approval of all, but it is believed to be the ablest exposition of our fundamental law that has ever emanated from that school

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of interpreters of which Hamilton is confessedly the chief. In point of style, expression and logical argumentation, it may safely challenge comparison with any papers in the Federalist.

That we have not overestimated the importance of the Manual, we might quote the opinions of many eminent men; the following will perhaps be sufficient:

"Senate Chamber,

"My dear Sir, 15th July, '67.

"I am much obliged by your kindness in sending me a copy of your Manual of the Constitution; but I am more obliged to you for writing it.

"Such a Manual is needed to correct the false interpretations which have been fastened on the Constitution. The clearness and weight of your language cannot fail to impress the reader.

"Your book signalizes the great change in our history. Such a system of constitutional law would have found little favor only a short time ago. I trust it will be generally accepted now. Accept my thanks and congratulations, and believe me, dear sir, faithfully yours.

"CHARLES SUMNER."

In addition to what is implied in the above, it is due to truth to name other methods by which in detail, the venerable man, from the noiseless, and save to a few, unknown retirement where his great mind and heart

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were at work, influenced the current of the nation's history. It was a common practice of Mr. Sumner, while a member of Congress, in emergencies, to seek aid of Judge Farrar. Thus: "I should like to introduce a bill . . . . . Will you draw such a bill, with all professional machinery? I hope I do not take too great a liberty in appealing to you for this aid." Some of these bills were passed without change; others after amendment.

Nor were such requests made by Mr. Sumner alone. The Hon. William Whiting, when connected with the war department, made his appeals also, and in one letter now before us, wrote an urgent request to Judge Farrar, directing his attention to a recent publication, which he thought, as did his friends at Washington, was misrepresenting and injuring the government and should be answered; and he pressed Judge Farrar to render to his country the service; adding, "I know of no man who has the power to do it so well as yourself." We name these facts to show the character and reputation of Judge Farrar, and also the opportunities which a beneficent Providence furnished him, for doing good to his country.

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In his religion Judge Farrar was not a sectarian, but a Christian. Subjectively his religion was not an "experience" of the emotional, procured by some mysterious cause. It was a deep and practical principle of obedience to God, that left the conscience void of offence, and thus gave free play to the natural sentiments of love and confidence and sympathy towards God,—a "fellowship with the Father and with his Son Jesus Christ." His religion had its commencement in early life, and thus by a normal development of this, in connection with all the other elements of character, attained to rare symmetry and completeness.

He united with the Congregational Church when a member of Dartmouth College, and retained his membership in that denomination during life, yet with a heart that knew only and everywhere the bond of Christian brotherhood.

The Bible was accepted by him as inspired of God, and was, from his childhood, read with reverence; and the commonly received interpretations of its teachings were not called in question. But in the latter period of his life, he shared largely in that inspiring influence which has so extensively led the more intellectual class

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of religious men to a reëxamination of the Bible. With leisure, with the vigor of his intellect unimpaired, with the habit of nice discrimination acquired at the bar, and of calm and candid estimates practised on the bench, he was eminently fitted for an independent and original examination of the sacred volume. He proceeded on the hypothesis that the Bible contains a system of religious truth, in its facts, and is capable of systematic construction; also a truthful record of the methods which Infinite Wisdom had employed for the development, and especially for the religious development of the race from its earliest infancy to the Messiah. It was also assumed that an inspired volume of religious truth must of course stand in true correlation to the human mind as capable of moral and religious functions; so that the sacred pages could be correctly interpreted only by him, who should bring to the work a correct and well defined system of ethics. But such system there was not, and the clear mind of Judge Farrar could but see that those foggy and hopeless things falsely called moral philosophy, so far from affording light to the common mind, only involved it in deeper darkness. It interrupted the function of intuitional convictions, which, but for such

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interruption, would have led to a tolerably just appreciation of the sacred word.

What was to be done? The mind that could exhume the Constitution of his country from the accumulations of error in which it was imbedded, could attempt the same thing for the Bible. The first step was to seize the few and simple principles that are the basis of ethics. He came to the conclusion that "God is love," or that benevolence, whose correlate is the happiness of all; and that right is that in the agency of God or his creatures which is adapted to that end; wrong, the opposite.

In his analysis of the divine moral government he eliminated penalty. Penalty is the evil threatened and inflicted upon the transgressors of civil law, and is an indispensable element in civil government, which is not a moral government but simply the administration of physical force for the protection of the community. The sufferings of men under the Divine Providence are simply admonitory and reformatory, and he could see no reason why this should not be true of the coming world as of this; and further, that in the future, as in this world, there was no necessity of penalty to forbid the reconciliation of man, when penitent, to his Maker.

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With this theory, the character of God appeared lovely, without a repelling element, and the government of God, seen in this light, did not require of man that he should crush down and trample into silence the most innate and intuitional convictions of the soul.

With these preliminary attainments, the venerable patriarch went to the sacred volume. The Hebrew he did not read, but the Greek was at his service, so that the leaves of the New Testament were laid out before him in the clear light of the original inspiration. He read the Bible, much as he read Blackstone three score years and ten before; he read it to learn by direct inspection the import of its pages. During the last years of his life, this study of the Bible was almost his sole employment. It was his "ruling passion."

Judge Farrar died at his residence, Mount Bowdoin, Boston, on the 27th of October, 1874, in the eighty-seventh year of his age,—at peace with God, and, so far as we know, in charity with all men.

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SARAH FARRAR.

Died, at Mt. Bowdoin, Dorchester, June 30, 1875, SARAH, widow of the late Judge FARRAR.

SARAH (*Adams*) FARRAR was born in Portsmouth, New-Hampshire, May 22, 1789. She was the daughter of William Adams, who was the grandson of Judge Parker of New-Hampshire, and nephew of Bishop Parker of Massachusetts. He was also the brother of Nathaniel Adams, who for more than half a century was clerk of the New-Hampshire courts. Her father having died in her childhood, she was educated chiefly under the charge of her grandmother, from whom she received every advantage then attainable. But her most valuable means of culture were found in her early and constant association with many of the brightest minds of her time. Portsmouth was then, as regarded the tone of society, rather a metropolis than a provincial town, and the old Parker mansion, then occupied by her uncle, which was always one of her homes and for some years her only home, was the favorite resort of distinguished men from all parts of the state. Daniel Webster, Jeremiah Mason,

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Jeremiah Smith, and not a few of their scarcely less eminent coevals, were the frequent guests of her uncle, whose hospitality was unbounded, and the ladies of whose family constituted not the least of its attractions. It was in such society that Mrs. Farrar developed her conversational powers, which for readiness, brilliancy, strong sense and racy humor won admiration in her early girlhood, and had suffered but slightly appreciable decline when she had attained her full four-score of years. Her subsequent residence at Hanover brought her into intimate relations with a circle of equal culture, though of widely different tastes and pursuits. Here again she was a central object of regard and interest, and held an important place which was hers of necessity and by nature in whatever society her lot might be cast. But her mind was not left to spontaneous activity. She was a reader and a thinker, from her youth till near the close of her life conversant with many of the best books and ripest thoughts of every period, and at the same time well acquainted with the current topics of discussion in political and public life.

To these endowments were added the immeasurably more precious gifts which made her in her home, among her kindred and near friends, the object of life-long affec-

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tion, and, in her later years, of tender and loving reverence. Early imbued with Christian faith and principle, she grew in grace as in years, and the Saviour of her youth was ever the source of her impulse and her faith. Rigidly conscientious, loyal to her convictions of duty, inflexible in the right, she bore witness in the whole manner of her life to her love for God and her fellow man; while she made no ostentatious display of that hidden life, most genuine when most hidden, whose richness, depth and power were abundantly manifested during her brightest days, and peculiarly under the shadow of trial, grief and growing infirmity.

It was especially in her home-life that Mrs. Farrar displayed those noble qualities of heart and mind which made her memory so precious. To her husband she was an invaluable helper no less than a true and loving wife; with the utmost self-forgetfulness, relieving him of all cares and burdens which she could take upon herself; ever keeping sunshine for him at home, when his outer life was laborious and weary ; sympathizing with him in all his pursuits; and dispelling by her hopeful temperament whatever tendency there might have been in him to a more sombre cast of mind. She was preëminently a

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mother, and lived to make her disinterested watchfulness felt to the fourth generation. As her husband's professional duties kept him much from home, the management of the household fell naturally into her hands. For this duty she was peculiarly fitted, as her orderly habits and untiring industry, coupled with unusual ability as a financier, enabled her to exercise that enlightened economy which produces the best results from the simplest outlay. Queen of this realm, hers was no despotic sway, but by the power of love alone she ruled her willing subjects, and became their mistress by being most their servant. Of her parental assiduity, faithfulness and tenderness, her children and her children's children will keep the memory as among the most precious experiences treasured from the past.

But her sphere of duty extended beyond her home. While no nearer claim was neglected, her benign influence was widely felt. In her quiet way she did good to the full extent of her ability, with no trumpet-sounding, but in the spirit owned and blessed of Him "that seeth in secret." It was especially her mission to make her home a hospitable shelter for the lonely and desolate; her words of good cheer were never stinted for those who saw little

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but the shady side of life; and from her bountiful board went forth the influence of that charity which imparts the best it has where little or nothing can be expected in return.

It is, then, as a wife, a mother and a Christian woman, that she commands our attention, and wins our reverence and esteem. She was one who lived naturally, and to this may be ascribed her length of days. Alive to the seriousness of life without being austere, she enjoyed its amenities without being thoughtless. Simple in her tastes, animated in manner, with a kindly word for every one and a constant flow of humor, she was no less fitted to society than to her home. Of an elastic temperament and forgiving disposition, she was generous, frank and unreserved; not quick to take offence, yet too tender not to be susceptible to deep pain. In her intercourse with others she was no respecter of persons; and free from hauteur, vanity and false pride, she approached all with charity and harbored malice for none. She seemed born to enjoy life; she was intensely real. A lover of books, she preferred history and biography to philosophy, and the simpler poets of the last century rather than those more metaphysical of our own. She had a remarkable

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memory, and quoted with frequency and aptness. If anything, other than her implicit faith and constant love, can characterize her, it is her never-failing thrift. Life was too precious to be wasted, and of her it can be said with unusual fitness, that she was never idle, and even the hours of twilight, when all are wont to rest, she fully occupied. Yet recreation was not neglected. Like the star, unceasing, unresting, she spent her long life "never weary in well-doing."

To a very late old age she retained her bodily strength but little impaired, and her mind in full vigor. The last months of her life, however, have been a period of slow and gentle decline, with an imperfect consciousness of outward objects, but in perfect serenity of spirit, and with occasional flashings of mental vision manifesting all the quickness and keenness of her earlier days. Worn, not by acute suffering or chronic pain, but by the kindly decay of nature, she at length passed in perfect quietness from the forecourt to the inner apartment of her Father's house; from those who deem it an unspeakable blessing that she was spared to them so long, to the far greater company of those who were awaiting her coming.

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